Information and Privacy
Commissioner/Ontario
Commissaire à l'information
et à la protection de la vie privée/Ontario

Personal Health Information Protection Act, 2004

REPORT

FILE NO. HI-050003-1

A Community Care Access Centre

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FILE NO. HI-050003-1

INVESTIGATOR: Nancy Ferguson

SUMMARY OF INFORMATION GIVING RISE TO THIS REVIEW:

A Community Care Access Centre (the CCAC) reported the loss of a laptop computer from a Case Manager's vehicle. The laptop had been placed under the seat of the vehicle and could not be located following a break-in. The matter was reported to the police and the Information and Privacy Commissioner/Ontario (the IPC). The CCAC was faced with how to fulfill its obligations under the *Personal Health Information Protection Act* (the *Act*) including the notification of affected clients.

RESULTS OF THE REVIEW:

Case Managers visit clients to assess their needs and eligibility for services. They also monitor clients while they are receiving care. Case Managers were using laptops computers as part of a province-wide program involving the standardized assessment of clients receiving home care.

The CCAC provided the following information with respect to the security features that were in place on the missing laptop:

- A unique user identification code and double password protection;
- Encryption software to protect files containing patient records downloaded from the CCAC's main database and files containing the standardized assessment tool, which would include data gathered and input by the Case Manager when visiting the patient.

Access to information contained in word processing and calendar functions of the laptop were also double password protected. Access to the email account was firewall protected and could only be accessed from the docking station at the CCAC's office. The email account of the missing laptop was disabled the day after it was found missing.

The CCAC interviewed the Case Manager who was travelling with the laptop and who was the only staff member to use the laptop. The Case Manager indicated that the computer contained the personal health information of the one client that the Case Manager was going out to visit when the computer went missing.

The information on the laptop included the patient's name, address, health card number, the services the patient was assessed for, the frequency of services and the patient's medical history as it related to the reasons for homecare. The patient was confined to home and was visited by the Case Manager.

Section 12(2) of the *Act* requires "Health Information Custodians" to notify patients if their personal health information is stolen, lost or accessed by unauthorized persons.

The CCAC notified the client of the loss. As the client did not speak English, notification was carried out verbally by contacting the English-speaking representative indicated on the client's consent form. It was explained that the patient's information had been stored on a computer that had been stolen from the Case Manager's vehicle, and that the information on the computer was encrypted and accessible only with a password.

This incident helped shape the new privacy policy that was being developed by the CCAC. The policy provides guidance to staff in responding to incidents of this nature according to the requirements of the *Act* including carrying out client notification.

On the basis of all of the above, it was determined that further review of this matter was not warranted and the file has been closed.

Original signed by:

June 27, 2005

Ann Cavoukian
Commissioner